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Attorneys for Defendant  
California Physicians' Service,  
dba Blue Shield Of California

IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF CALIFORNIA

RICHARD P. WELLS, For Himself And  
In His Representative Capacity As  
Administrator of the Estate of Marilyn  
Wells, Decedent, and As Guardian of His  
Minor Children,

Plaintiff,

vs.

CALIFORNIA PHYSICIANS' SERVICE,  
dba BLUE SHIELD OF CALIFORNIA,

Defendants.

Case No. C 05 1229 CRB

**STIPULATION TO EXTEND BRIEFING  
SCHEDULE FOR SUBMISSION OF REPLY  
BRIEF;**

~~[PROPOSED]~~ **ORDER THEREON**

1 WHEREAS, the hearing upon Defendant's motion to dismiss the First Amended  
2 Complaint (the "Motion to Dismiss") is currently set for October 7, 2005.

3 WHEREAS, due to a medical emergency that befell Plaintiff's counsel, James B. Rhoads,  
4 the parties stipulated to extend Defendant's deadline for submission of the opposition to the  
5 Motion to Dismiss.

6 WHEREAS, the Defendant requires a brief extension of time to complete its reply to the  
7 opposition and whereas the Court will still have two (2) full weeks prior to the hearing on the  
8 Motion to Dismiss within which to review the reply brief;

9 IT IS HEREBY STIPULATED and agreed by Plaintiff and Defendant, through their  
10 respective attorneys of record, that:

11 1. The deadline for Defendant to file and serve its reply brief upon its Motion to Dismiss  
12 is extended from September 16, 2005 to September 23, 2005.

13 Plaintiff and Defendant further stipulate and agree that this Stipulation may be e-filed or  
14 signed in counterparts, and facsimile signatures shall have the same force and effect as originals.

15 This request is not being made for the purposes of delay.

16 Plaintiff and Defendant jointly request that the Court enter an order in conformance with  
17 their stipulation (see attached proposed order).

18 IT IS SO STIPULATED.

19 Dated September 15, 2005

Dated September 15, 2005

20 MANATT, PHELPS & PHILLIPS, LLP  
21 GREGORY N. PIMSTONE  
ANDREW L. SATENBERG

BENJAMIN FRANKLIN LEGAL  
FOUNDATION

22 By: s/ Andrew L. Satenberg  
23 Andrew L. Satenberg  
24 *Attorneys for Defendant*  
CALIFORNIA PHYSICIANS' SERVICE,  
25 dba BLUE SHIELD OF CALIFORNIA

By: s/ James B. Rhoads  
James B. Rhoads  
*Attorney for Plaintiff*  
RICHARD P. WELLS

26  
27 *Filer's Attestation: Pursuant to General Order No. 45, Section X(B) regarding signatures, Andrew L.*  
*Satenberg hereby attests that concurrence in the filing of this document has been obtained.*

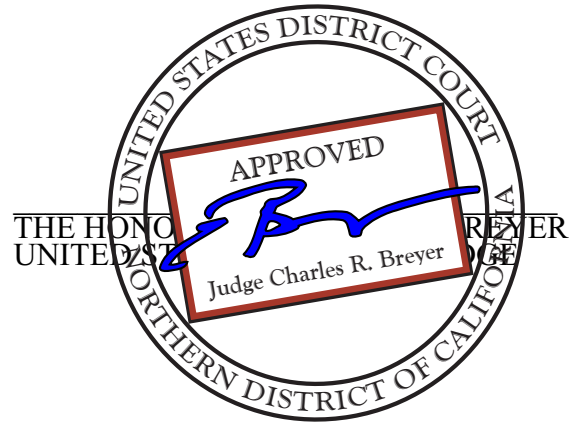
**ORDER**

Having reviewed the Stipulation of the parties, and good cause appearing:

IT IS HEREBY ORDERED THAT

1. The deadline for Defendant to file and serve its reply brief upon its Motion to Dismiss is extended from September 16, 2005 to September 23, 2005.

Date: September 16, 2005



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